

FILED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

V.

Jose Antonio BONESI-Martinez,

Defendant

Magistrate Docket No.

BY '08 MJ 2406

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **August 2, 2008** within the Southern District of California, defendant, **Jose Antonio BONESI-Martinez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 4th DAY OF AUGUST 2008

Ruben B. Brooks
UNITED STATES MAGISTRATE JUDGE

8/2/08

CONTINUATION OF COMPLAINT:**Jose Antonio BONESI-Martinez****PROBABLE CAUSE STATEMENT**

I declare under the penalty of perjury that the following statement is true and correct:


On August 2, 2008, Border Patrol Agent C. Harms was performing assigned patrol duties around the town of Jacumba, California. Jacumba, California is located approximately 25 miles east of the Tecate, California, Port of Entry and is located directly north of the United States/Mexico International Border. Agent Harms was in full Border Patrol uniform and operating a fully marked Border Patrol vehicle. At approximately 2:00 a.m., Agent Harms was contacted by the night vision scope operator and was informed that he had just observed a group of subjects climb over the fence along the International border. Agent Harms drove himself to where the aliens were hiding and then exited his vehicle to look for the subjects who had hid behind some bushes.

Agent Harms identified himself as a United States Border Patrol Agent in the English and Spanish languages, and performed an immigration check on each subject in the group. All of the members of the group including one later identified as the defendant Jose Antonio BONESI-Martinez freely and voluntarily admitted to being citizens of Mexico, illegally present in the United States. Each subject also admitted that they were not in possession of any immigration documents which would allow them to enter into or remain in the United States legally. Agent Harms placed the 7 subjects under arrest at approximately 2:20 a.m. and transported them to the Boulevard Border Patrol Station for processing.


Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on or about July 28, 2008. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

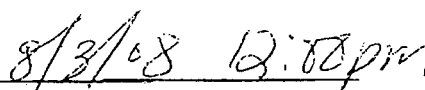
On August 2, 2008, at 7:15 a.m., the defendant was advised of his Miranda rights and he stated he understood his rights and waived his right to have an attorney present.

Executed on August 3, 2008 at 9:30 am.


Tomas M. Jimenez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on August 2, 2008, in violation of Title 8, United States Code, Section 1326.


Anthony J. Battaglia
United States Magistrate Judge


Date/Time